



ETHICS REVIEW COMMISSION

MEETING MINUTES Wednesday, August 14, 2019

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, August 14, 2019, at City Hall, Room 1027, in Austin, Texas.

Chair Mary Kahle called the meeting to order at 6:07 p.m.

Commissioners in attendance: Chair Mary Kahle, Vice-Chair Luis Soberon, Secretary Tray Gober, and Commissioners: Debra Danburg, Betsy Greenberg, Raafia Lari, Robin Lerner, J. Michael Ohueri, Donna Beth McCormick, and Pedro A. Villalobos. Commissioner Einhorn was absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney and Paralegal Rose Crampton, paralegal, Law Department (serving in the role of Commission staff liaison).

1. GENERAL CITIZEN COMMUNICATION

The first five speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address concerns regarding items not posted on the agenda.

There were no speakers for citizen communication.

2. EXECUTIVE SESSION

The Ethics Review Commission may announce it will go into Executive Session pursuant to Chapter 551 of the Texas Government Code to receive advice from legal counsel on any matter specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

The Commission may go into executive session to discuss legal issues related to:

A complaint filed by Matthew Mackowiak, against Natasha Harper-Madison, which complaint alleges violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-7 (Commencement of Campaign Period).

There was no executive session.

3. PRELIMINARY HEARING

A complaint filed by Matthew Mackowiak, against Natasha Harper-Madison, which complaint alleges violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-7 (Commencement of Campaign Period).

The Commission Chair advised the Commission of the granting of respondent's postponement request, and the Commission voted to schedule the preliminary hearing of the complaint by Complainant Mackowiak against Respondent Harper-Madison for a meeting of the Commission on September 18, 2019.

Commissioner McCormick made a motion to hold a meeting of the Commission on the September 18, 2019 for the preliminary hearing. The motion was seconded by Vice-Chair Soberon. The motion passed by unanimous vote of the Commission. Voting in favor: Chair Kahle; Vice-Chair Soberon; Secretary Gober; and Commissioners Danburg, Greenberg, Lari, Lerner, McCormick, Ohueri, and Villalobos. Commissioner Einhorn and Ohueri were absent.

4. NEW BUSINESS

Discussion and possible action regarding the following:

- (a) Working groups of the Commission.
- (b) Potential amendments to City Code, Chapter 2-7 (Ethics and Financial Disclosure).
- (c) Potential Ethics Review Commission rules changes regarding citizen communication.

Item 4(c) was discussed first:

Commissioner Villalobos made a motion to adopt the following rules regarding item 4(c) on the agenda: (1) Move General citizen communications will be moved to the end of the agenda for every meeting ; (2) Citizen Communications will be permitted at the beginning of each agenda item on that agenda item; (3) The time limit for citizen communications will be two minutes per speaker on the agenda item; (4) A speaker may submit further comment in written format; (5) A sign-up sheet will be required for a person to speak on an agenda item, including citizen communications; (6) Speakers will receive notice that if an agenda item is not identified by the speaker on the sign-in sheet, the speaker will be called to speak during general citizen communications. Secretary Gober seconded Commissioner Villalobos' motion.

Vice-Chair Soberon made a motion to amend the time limit rule to add the state law requirement that a member of the public who addresses the body through a translator be given twice the amount of time, and that the double time limit also apply to a person who needs accommodation on the basis of a disability. Commissioner Lerner seconded the motion to amend. The motion to amend was adopted by unanimous vote of the Commission. Voting in favor: Chair Kahle; Vice-Chair Soberon; Secretary Gober; and Commissioners Danburg, Greenberg, Lari, Lerner, McCormick, Ohueri, and Villalobos. Commissioner Einhorn was absent.

Commissioner Greenberg made a motion to amend the original motion to remove the provision allowing submission of written comments. The Commission then discussed the motion prior to the motion being seconded.

The Commission took a short recess.

After further discussion another short recess was taken to address a potential problem with the recording equipment.

Following the second recess, Commissioner Danburg made a motion to amend the original motion to strike the item number four to allow submission of further comment in written format, which motion was seconded by Commissioner Greenberg. The Commission voted unanimously in favor of the motion to amend. Voting in favor: Chair Kahle; Vice-Chair Soberon; Secretary Gober; and Commissioners Danburg, Greenberg, Lari, Lerner, McCormick, Ohueri, and Villalobos. Commissioner Einhorn was absent.

Commissioner Villalobos restated the original motion as amended: (1) General citizen communications will be moved to the end of the agenda; (2) Citizen communications will be permitted at the beginning of each agenda item on that agenda item; (3) The time limit for citizen communications will be two minutes per speaker on the agenda item, except that the time limit will be doubled to four minutes if the member of the public needs translation or an accommodation for a disability; (4) A sign-up sheet will be required for a person to speak on an agenda item; (5) Speakers will receive notice that if an agenda item is not identified by the speaker on the sign-in sheet, the speaker will be called to speak during the general citizen communications item on the agenda. Secretary Gober seconded Commissioner Villalobos' motion, and all commissioners in attendance voted in favor of the motion. Voting in favor: Chair Kahle; Vice-Chair Soberon; Secretary Gober; and Commissioners Danburg, Greenberg, Lari, Lerner, McCormick, Ohueri, and Villalobos. Commissioner Einhorn was absent.

Item 4(b) was discussed next:

Commissioner Greenberg volunteered to be on a working group with other commissioners to address campaign finance reporting forms (ATX forms) for Political Action Committees. No action was taken.

Commissioner McCormick, Chair Kahle, and Commissioner Villalobos volunteered to serve on a working group on council candidate forums for the 2020 election.

No action was taken by vote of the Commission in regard to appointing any specific working groups.

Item 4(a) was discussed next:

No action was taken in regard to item 4(a).

5. APPROVAL OF MINUTES FROM THE JUNE 12, 2019 REGULAR COMMISSION MEETING.

Secretary Gober made a motion to approve the minutes from the June 12, 2019 regular meeting of the Commission, which was seconded by Vice-Chair Soberon. The motion passed on a vote of 7-0-2. Voting in favor: Chair Kahle; Vice-Chair Soberon; Secretary Gober; and Commissioners Danburg, Greenberg, Lari, Lerner, McCormick, Ohueri, and Villalobos. Abstaining from the vote: Commissioners Ohueri and Villalobos. Commissioner Einhorn was absent.

6. FUTURE AGENDA ITEMS

Commissioner Danburg made a motion to adopt the following agenda items for the September 11, 2019 meeting of the Commission. The Commission voted in favor of the following agenda items for the September 11, 2019 meeting of the Commission:

Discussion and possible action regarding the following:

- (a) Commission sanctions including effectiveness, past cases, and recommendations.**
- (b) Commission procedures including effectiveness, past cases, and recommendations.**
- (c) Scope of work of the Commission (powers, duties, and obligations), including effectiveness, past cases, and recommendations.**
- (d) Case reviews generally involving past hearings on complaints before the Commission.**
- (e) Potential amendments to City Code, Chapter 2-7 (Ethics and Financial Disclosure).**
- (f) Potential amendments to the Rules of the Ethics Review Commission.**
- (g) Best practices for city attorney opinions including effectiveness, past cases, and recommendations.**

ADJOURNMENT

Without objection, the meeting adjourned at 8:44 p.m.